



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

OFFICE OF WATER

May 27, 2016

Michael Costa
Our Children's Earth Foundation
3848 Sacramento St. #2
San Francisco, California 94118

Dear Mr. Costa:

In your FOIA Request EPA-HQ-2016-005531 dated April 8, 2016, you requested the following information:

1. Please provide any and all documents (electrical or hard copy, including E-mail messages) discussing, documenting, memorializing, or otherwise concerning proposed Water Quality Standards submitted by states for approval pursuant in EPA Region 4, EPA Regions 9, and EPA Region 10 to 33 U.S.C. §1313(c) where more than 90 days have passed since the submission and EPA has not yet approved or disapproved the submitted Water Quality Standards [note: if any one document or set of documents identify the submitted Water Quality Standards in issue, when the state submitted them and the current status of each of the aforementioned EPA Region's approval or disapproval of such Water Quality Standards, EPA may provide only such document or documents in response to this request].
2. Please provide any and all documents (electrical or hard copy, including E-mail messages) discussing, documenting, memorializing, or otherwise concerning any EPA Region 4, EPA Region 9, and EPA Region 10 issuance of proposed Water Quality Standards for any state pursuant to 33 U.S.C. §1313(b) that these EPA Regions have not issued in final form, and where more than 90 days have passed since the issuance of the proposed Water Quality Standards. Please also be sure to include the most recent correspondence, memos, or other documentation indicating the status of this approval if EPA has not yet approved or disapproved the submitted Water Quality Standards [note: if any one document or set of documents identify the submitted Water Quality Standards in issue, when EPA proposed them and the current status of EPA's final approval or disapproval of such Water Quality Standards, EPA may provide only such document or documents in response to this request].

To summarize, Item 1 focuses on water quality standards (WQS) submissions by states while Item 2 focuses on WQS promulgations by EPA.

In response to Item #1, we have enclosed a spreadsheet that identifies water quality standards (WQS) submitted by states in Regions 4, 9, and 10 where the submission has been awaiting approval (or disapproval) for 90 days or more. This includes submissions where at least part of the submission is awaiting approval or disapproval.

Regarding Item #2, there are two items:

- Water quality criteria for Washington were proposed more than 90 days ago (proposed September 14, 2015. Information for this proposed rule is located at <https://www.regulations.gov/#!docketDetail;D=EPA-HQ-OW-2015-0174>.
- California Toxics Rule – Items not finalized. On May 5, 2016, Jodine Issacs responded to Diane Fleck's (EPA Region 9) call to Mike Costa. Ms. Fleck explained that the only action that fits Item #2 of this FOIA request for Region 9 is the CTR promulgation. She explained further that Our Children's Earth Foundation (OCE) already has all the documents fitting this request. These documents had been provided in response to OCE's earlier FOIA requests to Region 9, and in response to the Court to create the Administrative Record in OCE's previous action against EPA. Ms. Isaacs confirmed she understood and agreed the documents that were already provided satisfy Region 9's part of this FOIA request. In addition, a previous FOIA request asked for similar information about WQS submissions and promulgations. The response to this request can be found via FOIA Online under FOIA #EPA-HQ-2015-008200, the direct link is: <https://foiaonline.regulations.gov/foia/action/public/view/request?objectId=090004d28079ab06>.

You may appeal any response to your FOIA request to the National Freedom of Information Officer, U.S. EPA, Records, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, D.C. 20460, email: hq.foia@epa.gov. Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, N.W. If you are submitting your appeal via hand-delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, D.C. 20001. Your appeal must be made in writing and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOIA number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

Should you have any questions concerning this response, please feel free to call me at (202) 566-0591 or you can email me at washington.evelyn@epa.gov, or you may contact the staff lead on this response, Gregory Stapleton, at (202) 566-1028 or by email at stapleton.gregory@epa.gov.

Sincerely,



Evelyn Washington
Associate Director
Standards and Health Protection Division

Enclosure